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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/733,856

12/11/2003

Frederic Hayem

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EXAMINER

CASCA, FRED A

ART UNIT

PAPER NUMBER

2617

MAIL DATE

DELIVERY MODE

03/30/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<p align="center">Advisory Action Before the Filing of an Appeal Brief</p>	<p>Application No. 10/733,856</p>	<p>Applicant(s) HAYEM ET AL.</p>	
	<p>Examiner FRED A. CASCA</p>	<p>Art Unit 2617</p>	

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 11 March 2009 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
- (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
- (b) ☐ They raise the issue of new matter (see NOTE below);
- (c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
- (d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
- The status of the claim(s) is (or will be) as follows:
- Claim(s) allowed: _____.
- Claim(s) objected to: _____.
- Claim(s) rejected: _____.
- Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information *Disclosure Statement*(s). (PTO/SB/08) Paper No(s). _____
13. ☐ Other: _____.

/VINCENT P. HARPER/
Supervisory Patent Examiner, Art Unit 2617

Continuation of 11. does NOT place the application in condition for allowance because: In response to applicant's arguments with respect to claims 6, 7, 13, 16, 25, 26, 32, 36, 41 and 42 under 35 USC 112, first paragraph, as failing to comply with the enablement requirement, stating that the examiner has overlooked the citing of phrase "additional timer value" in claims 6, the examiner respectfully disagrees. The mentioning of the phrase "additional timer value pertinent to said second wireless communication protocol" in claim 6 does not comply with the enable requirement under 35 USC 112, first paragraph. Examiner further asserts that if a configuration or design for which protection is sought cannot be determined or understood due to an inadequate disclosure, then the claim, which incorporates the disclosure, fails to particularly point out and distinctly claim the subject matter applicant regards as their invention, see MPEP 1503.01-1504.04. The mere mentioning of "additional timer value" in claim 6 does not satisfy the enablement requirement because it is not clear how the additional timer value pertains to "said second wireless communication protocol." Further explanation or description of the additional time value pertaining to the second protocol is needed. Applicant's referral to Figures 10-13 does not provide the necessary description or explanation of how the additional timer value pertains to the second protocol.

In response to applicant's arguments with respect to rejection of claim 1 under 35 USC 103(a), it is noted that the features upon which the applicant relies (e.g., linecard) are not cited in the rejected claim. Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *in re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

In response to applicant's arguments with respect to rejection of claim 15, the examiner asserts that Jarvis teaches "a method for performing timer synchronization between a first processor having a first timer and a second processor having a second timer is presented. The first processor issues to the second processor a first timer value corresponding to the current value of the first timer and the second timer compares the first timer value with a second timer value corresponding to the current value of the second timer. If the second timer value is less than the first timer value, the second processor increments the second timer value to a new second timer value equal to the first timer value. If the second timer value is greater than the first timer value, the second processor issues to the first processors the second timer value and the first processor adjusts the first timer value to be equal to the second timer value", see Jarvis, abstract and col. 3, lines 47-67.

At least from the above disclosure of Jarvis, a person of average skill in the art would understand that "a first timer value corresponding to the current value of the first timer" has to be generated in order to be compared to a second timer value. Further, a person of average skill in the art would understand that during a timing synchronizing process, different timing values are received or captured in order to be compared and adjusted. Therefore, timer capture interrupts are inherent in Jarvis because the first timer value of Jarvis has to be captured from a "timer capture interrupt" and the second timer value of Jarvis has to be captured from a second "timer capture interrupt."